

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

JASON BARNETTE,

Plaintiff,

v.

CIVIL ACTION NO. 2:18-cv-01348

EQUIFAX, INC., et al.,

Defendants.

**ORDER**

Pending before the Court is Defendants Pennsylvania Higher Education Assistance Agency d/b/a FedLoan Servicing and Educational Credit Management Corporation's ("Defendants") Motion to Dismiss. (ECF No. 35.) By standing order entered on January 4, 2016, and filed in this case on October 11, 2018, (ECF No. 2), this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation for disposition ("PF&R"). Magistrate Judge Tinsley filed his PF&R on December 12, 2019, recommending that this Court grant Defendants' unopposed Motion to Dismiss and then dismiss this case in its entirety as there are no other pending claims. (ECF No. 41 at 15.)

This Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the PF&R to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and Plaintiff's right to appeal this Court's order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v.*

*Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a *de novo* review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

Objections to the PF&R in this case were due on December 30, 2019. (ECF No. 41.) To date, Plaintiff has failed to submit any objections in response to the PF&R, thus constituting a waiver of *de novo* review and Plaintiff’s right to appeal this Court’s order.

Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 41), in full and **GRANTS** Defendants’ Motion to Dismiss, (ECF No. 35). Accordingly, the Court **DISMISSES** this action because there are no claims remaining. The Court further **DIRECTS** the Clerk to remove this matter from the Court’s docket.

**IT IS SO ORDERED.**

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: March 23, 2020

  
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THOMAS E. JOHNSTON, CHIEF JUDGE